IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

WP(C).No. 24006 of 2005(G)

PETITIONER:

V.V. KUNHAMBU, AGED 79 YEARS,
S/O. CHANDU, VALIYAVEETTIL, PUNHAKKAD, PAYYANNUR.

BY ADV. SRI.M.SASINDRAN
SRI.SREEJITH S.NAIR

RESPONDENTS:
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1. THE DISTRICT COLLECTOR, KANNUR.

2. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
GENERAL ADMINISTRATION DEPARTMENT,
THIRUVANANTHAPURAM.

3. UNION OF INDIA,
REPRESENTED BY UNDER SECRETARY TO GOVERNMENT,
MINISTRY OF HOME AFFAIRS, FREEDOM FIGHTERS CELL,
NEW DELHI.

BY ADV. SRI.S.ABHILASH
GOVERNMENT PLEADER SRI.V.T.K.MOHANAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.24006/2005

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE SWATHANTRA SAINIK SAMMAN PENSION SCHEME.

EXTP2:- COPY OF THE PERSONAL KNOWLEDGE CERTIFICATE ISSUED BY PROMINENT FREEDOM FIGHTER SHRI.V.CHANDU, SHRI.K.P.R.RAYARAPPAN.

EXT.P3:- COPY OF THE PERSONAL KNOWLEDGE CERTIFICATE ISSUED BY PROMINENT FREEDOM FIGHTER SHRI.K.P.R.RAYARAPPAN.

EXT.P4:- COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER DT. 3.4.98.

EXT.P5:- COPY OF THE LETTER DT. 28.9.98.

EXT.P6:- COPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT SANCTIONING PENSION TO THE PETITIONER UNDER THE KERALA FREEDOM FIGHTER'S PENSION SCHEME.

E.XT.P7:- COPY OF THE COMMUNICATION DT. 16.4.99 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.

EXT.P8:- COPY OF THE REPLY DT. 16.9.99 SUBMITTED BY THE PETITIONER.

EXT.P9:- COPY OF THE REVIEW PETITION DT. 17.5.02 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

/TRUE COPY/

P.A. TO JUDGE

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T.R.RAMACHANDRAN NAIR, J.

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WP(C).No.24006 of 2005-G.

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Dated this the 1st day of August, 2007.

J U D G M E N T

The petitioner is an applicant for pension under the Swathantra Sainik Samman Pension Scheme. He was the freedom fighter who played a prominent role in Karivellur freedom struggle which is recognised as part of freedom movement by the Central Government as per order dated 20.1.1998. Exts.P2 and P3 are the certificates produced by the petitioner from Shri.V.Chandu and Shri.K.P.R.Rayarappan who were prominent freedom fighters. Ext.P4 is the application submitted by the petitioner seeking grant of pension. He has produced the required certificates along with Ext.P6 order by which the petitioner was granted pension by the Government of Kerala. Pursuant to the submission of Ext.P4 the petitioner received notice Ext.P7 to produce certain records relating to the claim made by him. He submitted a detailed explanation Ext.P8 before the District Collector. It is submitted by the petitioner that without acting upon Ext.P8, the District Collector had issued a communication to him dated 17.4.2002 refusing to forward the application and other records on the ground that all the details required in Ext.P7 have not been received by him. Again the petitioner has

submitted a review petition produced herein as Ext.P9. This writ petition is hence filed as no action was taken thereafter.

2. The respondents have filed a counter-affidavit wherein they have stated that the petitioner can rectify the defects of the application and can produce additional documents, if any, to substantiate the claims, in accordance with the provisions of the Swatantrata Sainik Samman Pension Scheme and then only the first respondent can recommend the case for SSS Pension.

3. Now that Ext.P8 has not been considered by the District Collector and that the petitioner has filed a review petition Ext.P9, I direct the District Collector to reconsider the matter along with the details furnished by the petitioner. The petitioner has given further details in Ext.P8 including the number of the case relating to Karivellur freedom struggle. Therefore, there will be a direction to the District Collector to reconsider the application Ext.P4 filed by the petitioner along with the details forwarded in Ext.P8 and after considering Ext.P9 also. This shall be done within two months from the date of receipt of a copy of this judgment. Thereafter, the records and materials along with the report shall be forwarded to the Central Government for action at their end through the State Government. On receipt of the same the 3rd respondent will consider and pass orders on the

same within a further period of four months. Along with the counter-affidavit filed by the 3rd respondent they have produced Ext.R1(a) letter which shows that they are awaiting the records to be forwarded from the State Government for considering the application. Therefore, it is only in the interest of justice that action is taken as directed above within the said time limit.

The writ petition is disposed of as above.

T.R.RAMACHANDRAN NAIR, JUDGE.

Kvs/-